

HOUSE BILL 2396

By Bone

AN ACT to amend Chapter 34 of the Private Acts of 1945; as amended by Chapter 174 of the Private Acts of 1986; and any other acts amendatory thereto, relative to the creation of Division III of the General Sessions Court of Wilson County and to provide for the appointment and election of a judge for such new Court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 34 of the Private Acts of 1945, as amended by Chapter 174 of the Private Acts of 1986, and all other acts amendatory thereto, is amended by adding the following new sections:

SECTION __. There is hereby created and established another court in and for Wilson County, Tennessee, which shall be designated, "Division III, Court of General Sessions of Wilson County, Tennessee."

SECTION __. Division I and II, Courts of General Sessions of Wilson County, Tennessee, shall retain the jurisdiction previously conferred upon them. Division III of the Court of General Sessions of Wilson County, Tennessee, as herein created, is vested and conferred with concurrent jurisdiction with Divisions I and II and shall have full authority to preside over Divisions I and II, including criminal, civil, probate, juvenile and domestic relations cases, however; Division III, Court of General Sessions of Wilson County, Tennessee, shall be limited to domestic relations and civil cases, probate cases and juvenile custody and child support cases. Division III, along with Division I and II, shall have concurrent jurisdiction with the Circuit Court and Chancery Court in Wilson County over domestic matters and shall have the powers vested in the Circuit Judge and Chancellor by the general laws of the State of Tennessee over domestic matters. It is the intent of this act to give equal concurrent jurisdiction to Division I, II, and III Courts of

General Sessions for Wilson County, Tennessee, but Division III shall be assigned only civil, domestic relations and probate cases as well as those juvenile cases where the issue is setting, establishing and enforcing child support, as well as custody issues.

SECTION ___. Effective with the appointment of a judge by the Wilson County Board of County Commissioners or with the term of the elected judge beginning on September 1, 2008, the General Sessions Court Clerk shall assign to Division III all civil, domestic relations and juvenile cases related to establishing and enforcing child support and custody issues. On that date, the Clerk and Master for Wilson County shall assign all probate cases to Division III.

SECTION ___. The Judge of Division I, Division II and Division III, shall be empowered from time to time to freely interchange one from the other to hold such respective courts.

SECTION ___. The Clerk and Master of Wilson County, Tennessee, shall act as the Clerk of Division III Court of General Sessions of Wilson County, Tennessee, when acting and performing the duties associated with probate matters and shall maintain such minute books and other necessary records for such courts as may be necessary and required by law. The Circuit Court Clerk of Wilson County, Tennessee, shall be the Clerk of Division I, Division II, and Division III Courts of General Sessions of Wilson County, Tennessee, to the extent that such court performs the duties, powers and functions associated with all other matters and shall, subject to the jurisdiction of the Court, maintain such minute books and other records as may be required by law. The Clerks, when performing their duties shall charge all fees and shall be entitled to receive such fees and charges as shall be fixed from time to time for the county by the general laws of the State of Tennessee. All such fees, when collected, shall be fully accounted for and disbursed as fees and charges as is similarly done by the other courts operating and functioning in Wilson County, Tennessee.

SECTION ___. The judges of the Division I, Division II and Division III of the

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General Sessions Court of Wilson County, Tennessee, shall have all authority and

jurisdiction to punish for contempt, to issue extraordinary writs and processes including fiats, restraining orders, and injunctions and to compel compliance with its final decrees, judgments and orders, as now or shall hereafter be exercised by a judge or chancellor or any circuit and general sessions court of the state of Tennessee.

SECTION __. There is created the position of judge for the Division III Court of General Sessions of Wilson County, Tennessee, created by this act. The judge of Division III shall be appointed by the Wilson County Board of County Commissioners as provided by law. The judge so appointed shall serve until August 31, 2008 or until such judge's successor is elected and qualified. At the August general election in 2008, the qualified voters of Wilson County shall elect a person to serve as judge of Division III of the Court of General Sessions for such county. The person so elected shall commence service on September 1, 2008 and serve until August 31, 2014, or until such judge's successor is elected and qualified . Thereafter a judge for Division III shall be elected for a full eight (8) year term.

The person initially appointed to serve as judge of Division III and all persons elected or appointed to such office thereafter shall be duly licensed to practice law in the state of Tennessee, at least thirty (30) years of age at the time of his or her election or appointment, and otherwise have all the qualifications and serve the same term as provided by the constitution of the state of Tennessee for inferior court judges. The person so appointed or elected shall take the same oath as shall be required for the other judges of the state of Tennessee. The position of judge for Division III shall be a full time position, and the person elected shall not be permitted to have an outside practice of law.

SECTION __. Division I, Division II and Division III of the Court of General Sessions of Wilson County, Tennessee shall, when required by law, be treated and considered as a court of record and such court shall be in continuous sessions without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such period as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

SECTION _____. The Judges of Division I, Division II and Division III shall from time to time be authorized and empowered to adopt joint rules of practice and procedure for the courts provided that they are not inconsistent with the substantive and procedural laws of the State of Tennessee relative to the matters of the jurisdiction of the courts or that they shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the courts.

SECTION _____. Compensation of the Judge of Division III shall be the same as the compensation of the Judge of Division I and Division II.

SECTION _____. Upon the appointment or election of the Judge of the General Sessions Court, Division III, the three General Sessions Judges shall vote upon and select one (1) of the three (3) judges to serve as the presiding judge for a one-year term. Such term shall run from September 1st through August 31st annually. The presiding judge shall designate the future assignment of cases so as to equalize the case load, however, Division III shall only be assigned cases that do not require the attention or presence of the District Attorney General's staff nor the District Public Defender's staff.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Wilson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Wilson County legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.